

EXHIBIT BBB

DEPOSITION OF DR. DAVID CURRIE

STATE OF ALABAMA
IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT

DANIEL BRYAN KELLEY,
Plaintiff,

Civil Action No.
2:05-CV-01150 - MHT

versus

RICKY OWENS, et. al.,
Defendants.

_____/

THE DEPOSITION OF DAVID CURRIE, DDS

The deposition of DAVID CURRIE, DDS, was taken before Angela D. Richey, Alabama Certified Court Reporter, Number 281, as Commissioner, commencing at 12:00 p.m. on January 11, 2008, by the Defendant at the offices of Dr. David Currie, 499 West 3rd Street, Sylacauga, Alabama 35150, pursuant to the stipulations set forth herein.

**REGIONAL REPORTING SERVICE, INC.
755 WALNUT STREET
GADSDEN, ALABAMA 35901-0755**

A P P E A R A N C E SFOR THE PLAINTIFF:

KRISTI MCDONALD, ESQ.
 McDonald & McDonald
 1005 Montgomery Highway
 Birmingham, Alabama 35216-2805

FOR THE DEFENDANT:

GARY WILFORD, ESQ.
 Webb & Eley, P.C.
 7475 Halcyon Pointe Drive
 P.O. Box 240909
 Montgomery, Alabama 36124

FOR THE DEFENDANT:

RICHARD STOCKHAM, III, ESQ.
 Stockham, Carroll & Smith, P.C.
 2204 Lakeshore Drive, Suite 114
 Birmingham , AL 35209-6771

EXAMINATION INDEX

DAVID CURRIE, DDS

By Ms. McDonald.....04
 By Mr. Stockham.....16
 By Mr. Wilford.....29

Stipulations03

Reporter's Certificate37

EXHIBIT INDEX

Defendant's

Marked/Offered

One

07

09

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED, by the parties, through their respective counsel, that the deposition of DAVID CURRIE, DDS may be taken before Angela D. Richey, as Commissioner and Notary Public, Alabama at Large, at Sylacauga, Alabama, on January 11, 2008, commencing at 12:00 p.m.

IT IS STIPULATED AND AGREED that the signature to and reading of the deposition by the witness is waived, the deposition to have the same force and effect as if full compliance were had with all laws and rules of Court relating to the taking of depositions.

IT IS STIPULATED AND AGREED that it shall not be necessary for any objections to be made by counsel to any questions except as to form or leading questions and that counsel may make objections and assign grounds at the time of trial or at the time said deposition is offered in evidence or prior thereto.

IT IS STIPULATED AND AGREED that notice of filing by the commissioner is waived.

REGIONAL REPORTING SERVICE, INC.

1 STATE OF ALABAMA, SYLACAUGA, JANUARY 11, 2008

2

3

DAVID CURRIE, DDS,

4

after having been first duly sworn, was

5

examined and testified as follows:

6

7

EXAMINATION

8

BY MS. MCDONALD:

9

Q. Will you state your full name for the

10

record, please, sir?

11

A. Dr. David P. Currie.

12

Q. Dr. Currie, I introduced myself to you

13

earlier. My name is Kristi McDonald. I

14

represent Terry Wilson, Al Bradley, and

15

Wendy Roberson in a lawsuit that's been

16

filed by a Daniel Bryan Kelley, who I'm

17

understanding that you have treated. Is

18

that correct?

19

A. That is correct.

20

Q. And can you give me your business address,

21

please, sir, Dr. Currie?

22

A. Physical address is 499 West 3rd Street,

23

Sylacauga, Alabama 35150; mailing address

1 is P.O. Box 2250, same town, same ZIP.

2 Q. And what do you do for a living,
3 Dr. Currie?

4 A. I'm a general dentist.

5 Q. How long have you been in practice here in
6 Sylacauga?

7 A. Since August of 1975.

8 Q. And you are licensed to practice dentistry
9 in the state of Alabama?

10 A. Yes.

11 Q. Have you been licensed since you started
12 practicing here in Sylacauga?

13 A. Well, actually the year before when I
14 graduated.

15 Q. Have you practiced --

16 A. 1974.

17 Q. -- anywhere else other than Sylacauga?

18 A. Birmingham and Tuscaloosa Veterans
19 Administration Hospital.

20 Q. And where did you do your undergraduate
21 work?

22 A. UAB.

23 Q. Did you do your dental school at UAB as

1 well, Dr. Currie?

2 A. Well, no. I did the undergraduate
3 actually at Alabama. Excuse me. I
4 misunderstood, Alabama and then dental
5 school was UAB.

6 Q. And you graduated from dental school in
7 1974?

8 A. Correct.

9 Q. Dr. Currie, in your practice here in
10 Sylacauga have you had the occasion to see
11 a patient by the name of Daniel Bryan
12 Kelley?

13 A. Yes, ma'am.

14 Q. Okay. Could you tell me when you saw him
15 as a patient of yours?

16 A. January 14th of 2004.

17 Q. And do your records indicate, Dr. Currie,
18 how he got to your office?

19 A. I believe it was a deputy sheriff from
20 Coosa County brought him.

21 Q. Was it your understanding, Dr. Currie,
22 that Mr. Kelley was incarcerated at Coosa
23 County Jail at the time?

1 A. Yes.

2 Q. And do you see patients or inmates from
3 Coosa County Jail --

4 A. Yes.

5 Q. -- on a regular basis?

6 A. Yes.

7 Q. Do you have some type of an agreement with
8 the county?

9 A. Yes.

10 Q. Could you tell us what that is, please,
11 sir?

12 A. Well, they just call, and we get them
13 worked in when we can, and we send a bill,
14 and the county commission pays us when
15 they get it, nothing formal in writing.

16 Q. Doctor --

17 A. That goes back to when Bill Evans was
18 still sheriff down there. We just said if
19 you have a problem, call us.

20 (Defendant's Exhibit Number One
21 was marked for identification.)

22 Q. And Dr. Currie, a subpoena was issued to
23 your office for the records that you have

1 on Mr. Kelley. Let me show you what I
2 will mark as Defendant's Exhibit One and
3 ask you, please, sir, if you can tell me
4 what those are, please?

5 A. Okay. We have a copy of the patient
6 treatment records, a copy of the statement
7 that was sent to Coosa County and that was
8 added in to eliminate somebody else who
9 was already on there, a receipt for the
10 payment, and a copy of the patient
11 registration and medical history that he
12 filled out when he came for treatment.

13 Q. Is that a complete and accurate copy of
14 all the records you have in your file?

15 A. Yes, ma'am, it is.

16 Q. And were those records generated and kept
17 in the regular course of your business
18 practice?

19 A. Yes.

20 Q. And were those records made by you or
21 under your direction and control?

22 A. Yes.

23

REGIONAL REPORTING SERVICE, INC.

1 MS. MCDONALD: I offer these as
2 Defendant's Exhibit One.
3 (Defendant's Exhibit Number One
4 having previously been marked
5 for identification was offered
6 into evidence.)

7 Q. You saw Mr. Kelley on January the 14th of
8 2004. Is that correct?

9 A. Correct.

10 Q. Is that the only time you saw him,
11 Dr. Currie?

12 A. That is the only time I've seen him.

13 Q. And could you tell us, please, sir, what
14 he presented to you with on that occasion?

15 A. He had two badly decayed teeth. They are
16 labeled at teeth number four and five, and
17 we extracted both of those teeth, laced a
18 stitch, and he was done.

19 Q. Where are those teeth located, Dr. Currie?

20 A. Upper right.

21 Q. Okay. And you said earlier you had a
22 patient information sheet in your file.
23 Is that something that is completed by a

1 patient when they come in to see you?

2 A. Yes, they complete that.

3 Q. And did Mr. Kelley complete that?

4 A. Yes, ma'am.

5 Q. And is there a place on this information
6 sheet where a patient can provide you with
7 medical information?

8 A. Yes.

9 Q. And is there a place on this where they
10 can indicate to you whether they have a
11 history of epilepsy or seizures?

12 A. Yes.

13 Q. What did Mr. Kelley mark on that occasion?

14 A. No.

15 Q. And did he tell you -- Is there a place
16 where they can indicate if they have other
17 health problems?

18 A. Yes.

19 Q. Did Mr. Kelley indicate to you that he had
20 any other health problems on that date?

21 A. Only that he had had a broken back, which
22 was lumbar 4, 5 and it looks like at S-1.

23 Q. But that's the only history he gave you as

1 far as any other medical problems were
2 concerned?

3 A. Correct. Everything else, he marked no,
4 except anemia, which he didn't mark
5 anything.

6 Q. Did you do x-rays of Mr. Kelley's teeth on
7 that occasion?

8 A. I took one.

9 Q. And did that indicate the decay that was
10 present?

11 A. Yes.

12 Q. Did you prescribe any medication for
13 Mr. Kelley?

14 A. No. I did not. He had no abscesses. So
15 we do not prescribe anything, and we --
16 Unless it's something with a real
17 difficult extraction or surgical
18 extraction we generally do not prescribe
19 pain medication for jail inmates.

20 Q. Was there any signs of trauma to
21 Mr. Kelley's mouth?

22 A. No.

23 Q. If there had been trauma to his mouth,

1 would that have been seen on an x-ray, or
2 would you have visually seen that in his
3 mouth?

4 A. I would have had to have just visually
5 seen it. It wouldn't show on a film.

6 Q. What causes the decay such as the type
7 Mr. Kelley presented to you with?

8 A. Just hadn't been getting them cleaned and
9 taken care of over the years, just
10 basically dental neglect.

11 Q. And you said you saw him on January the
12 14th of 2004?

13 A. Right.

14 Q. Is there a period, Dr. Currie, in --
15 during the holidays in which your office
16 is closed?

17 A. Yes. That particular year we closed at
18 lunchtime on December 23rd, '03, and we
19 did not reopen until Monday, January 5, at
20 8:00 a.m.

21 Q. And if somebody had needed an appointment
22 during that period of time, would they
23 have just been sent to your answering

1 machine?

2 A. Right. The answering machine tells them
3 we're gone, when we'll be back, if they
4 have something that can't wait, contact
5 one of the other dentists.

6 Q. Okay. And when you saw Mr. Kelley on
7 January the 14th, did he have a problem
8 that was of such that was an emergency?

9 A. Well, he had some bad teeth. Now, they
10 weren't abscessed, or it's not an
11 excruciating pain, but they did need to
12 come out. They were not teeth that could
13 be saved.

14 Q. Was it an emergency, though, that he be
15 seen?

16 A. Well, it's hard to say. I mean, it wasn't
17 abscessed and in excruciating pain, but it
18 was something that needed to be tended to.

19 Q. Right. But if he had started complaining,
20 Dr. Currie, on December the 27th that his
21 tooth was hurting, was there --

22 A. I don't see any reason it would have been
23 that bad at that point.

1 Q. Okay.

2 A. Just like, say, had he had an abscess,
3 then that would be excruciating pain.
4 That's different from just, you know,
5 having a hole in your tooth and it's
6 annoying when it get hot or cold or food
7 in it.

8 Q. And did he show you any signs that he was
9 in excruciating pain when you saw him?

10 A. No.

11 Q. Okay. And when you saw Mr. Kelley, did
12 you see any other signs that he had any
13 other physical health problems going on
14 when you saw him?

15 A. No.

16 Q. Did he appear to be jaundiced to you?

17 A. No.

18 Q. Is that something that you would notice as
19 a dentist, Dr. Currie?

20 A. Yes. People who are jaundiced turn yellow
21 and their whites of the eyes turn yellow
22 also.

23 Q. In the practice that you've been here, I

1 guess 30 years, over 30 years, Dr. Currie,
2 have you had patients who have come in who
3 have presented with any type of jaundice
4 that you've noticed while you've been
5 doing an examination of them?

6 A. At least one, and I couldn't even tell you
7 when that is, but I know we have had one.

8 Q. And if Mr. Kelley had presented with being
9 jaundiced or very yellow on January 14th
10 of 2004, what would you have done?

11 A. We would not have extracted the teeth. We
12 would have told the deputy that he needed
13 to go see a medical doctor.

14 Q. And would that have been indicated in your
15 notes, Dr. Currie?

16 A. Oh, yes.

17 Q. And is there anything in your notes that
18 indicate that that's what occurred?

19 A. No.

20 MS. MCDONALD: I don't have any other
21 questions. Thank you, Dr.
22 Currie.

23

1 THE WITNESS: Okay.

2

3 EXAMINATION

4 BY MR. STOCKHAM:

5 Q. Dr. Currie, my name is Richard Stockham.

6 I represent Mr. Kelley. I wanted to get
7 you to look at your note about the visit.

8 A. Uh-huh (indicating yes).

9 Q. Do you have an independent recollection of
10 Mr. Kelley from -- other than these five
11 pieces of paper here?

12 A. No. This is the only contact I know of
13 with him.

14 Q. So if he walked in the door, you wouldn't
15 recognize him?

16 A. That is correct.

17 Q. And apart from what you've got written
18 down here, do you have any independent
19 recollection of what occurred on that day?

20 A. No.

21 Q. Do you know whether or not there was
22 someone else who was here with Mr. Kelley?

23 A. A deputy brought him, but I don't know

1 which deputy.

2 Q. Do you know whether or not there was
3 another inmate with him?

4 A. That, I do not know.

5 Q. Do you know how long it takes to get from
6 here to Rockford Jail?

7 A. Probably 25, 30 minutes.

8 Q. And if the jail record shows that he was
9 taken out with another inmate and brought
10 here named Billy Joe Gray, does that
11 refresh your recollection that he was here
12 with another inmate?

13 THE WITNESS: Let me look on here and
14 see. Let me find out. As a
15 matter of fact, there may have
16 been, because there was a Billy
17 on the -- Let me see your
18 exhibit there. There is a Billy
19 listed there. Let me see if
20 that is him. I don't recall
21 him, but I will look and see.

22 A. January 14th, Billy Gray, yes, about the
23 same time.

1 Q. In fact, the jail records reflect that
2 Mr. Gray and Mr. Kelley were -- left the
3 jail at 10:17 and were back at the jail by
4 11:56. So that's about an hour and 40
5 minutes.

6 A. Uh-huh, yes. Okay.

7 Q. So Mr. Gray and Mr. Kelley were here
8 something less than 40 minutes. Does that
9 seem about right to you?

10 A. That would be about right, could have
11 been, yeah.

12 Q. And looking at the record that you've got,
13 the billing record that reflects a billing
14 from Mr. Kelley and a billing for a Billy.

15 A. That would have been Billy Gray I would
16 imagine, because he also had an extraction
17 that morning.

18 Q. Is it common for the jail to send more
19 than one person at a time?

20 A. Oh, yeah, yeah.

21 Q. Is that more of the normal that more than
22 one person comes?

23 A. It varies. Sometimes they bring one,

1 sometimes two. I don't know that we've
2 ever had more than two at a time.

3 Q. Now, looking at the first page of that
4 right there, what you've got, in your
5 handwriting, could you read that first
6 line for me, please, sir (indicating)?

7 A. Okay. That would be -- Well, it's dated
8 1/14/04. Four and five were the teeth
9 numbers, one film, and my shorthand is
10 that, "It's extracted without difficulty,"
11 and second line, "We place a gut suture,
12 just one," and then gave postoperative
13 instructions," which is a printed sheet.

14 Q. And right above that, what does it say?

15 A. Coosa County Jail.

16 Q. So there's nothing on here that says that
17 the tooth was in decay, is there?

18 A. No. We have x-ray for that.

19 Q. And the x-ray, what on the x-ray shows
20 that there's decay?

21 A. Right there. If you hold that up to the
22 light you notice some real dark areas in
23 those two small teeth. That's decay.

1 (Indicating.)

2 Q. And when you say "four or five," which two
3 teeth are they?

4 A. That would be -- Well, I don't have one of
5 those two teeth. Here we go. That would
6 be those two teeth right there
7 (indicating).

8 Q. On the lower or the upper?

9 A. The upper, upper right.

10 MR. WILLARD: Just for the record,
11 that was sort on the middle of
12 the right-hand side.

13 THE WITNESS: Yeah. It's right
14 behind the eye tooth.

15 Q. Right behind the eye tooth?

16 A. Yeah. The two right behind what people
17 call the eye tooth or cuspid.

18 Q. And you say that there was no trauma. You
19 don't have any way of -- There's no note
20 about whether there was trauma or not, is
21 there?

22 A. No. If there had been trauma, we make
23 notes.

1 Q. When you say "if there would have been
2 trauma," what would you look for?

3 A. Bruising, cuts, split lip, fat lip.

4 Q. And if it had occurred 20 days before?

5 A. Oh, that would be gone by then.

6 Q. And if he had been complaining about it
7 for 19, 20 days, is that a long time for
8 someone to be undergoing pain?

9 MS. MCDONALD: Object to the form.

10 A. That varies. Some people's pain tolerance
11 is different. I've had people come in
12 with a tooth that I've looked at and say,
13 "Well, how long has it been like that,"
14 and said, "Oh, it's been like that for two
15 months, and it's just where last night it
16 woke me up." So I mean, there's no way to
17 tell on that.

18 Q. Just what the individual says?

19 A. Right.

20 Q. Some people, they could be suffering
21 severe pain for a long time and you just
22 don't know it?

23 A. Right.

1 Q. It's up to the person?

2 A. Right.

3 Q. Now, what is a periapical single?

4 A. That is a film. That's the x-ray.

5 That's -- It's a technical thing about
6 which film we took. Compared to, say, a
7 bitewing film, which we use looking for
8 cavities, this is looking for decay or
9 abscesses or fracture.

10 Q. And what is -- Looking below that it says
11 E-x-t?

12 A. Extraction.

13 Q. E-r-u-p-t?

14 A. It's an erupted tooth. So it was through.
15 It was not an impacted tooth that had to
16 be cut out.

17 Q. And what is Or Expos?

18 A. Oh, Or would be like if it was an exposed
19 root.

20 Q. What does that mean?

21 A. Sometimes people break a tooth off at the
22 gum, but there's still a root where I can
23 get ahold of -- I can see it. It doesn't

1 have to be cut out. It's not buried up
2 under the gum. Basically that's the
3 computer's way of saying it's not
4 impacted.

5 Q. And so whether or not Mr. Kelley had
6 been -- had an injury to his mouth in that
7 area some 20 days before, you can't say
8 one way or the other?

9 A. No. That far ahead, no way.

10 Q. But you testified that he had had a --
11 that if you were out of town and that if
12 there was another dentist -- Do you have a
13 referral dentist that you use?

14 A. No. We just tell other dentists we're
15 going to be gone, and generally during
16 that time most of them are too. There's
17 usually at least one open, but it's
18 nothing formal. It's just call until you
19 get a dentist who is open.

20 Q. Here in town?

21 A. Right.

22 Q. There are usually some dentists open here
23 in town?

1 A. Usually somebody. Around Christmas it's a
2 little hard to find somebody.

3 Q. But certainly after the first of the year
4 there's someone available?

5 MS. MCDONALD: Object to the form.

6 A. Maybe not there, because it happens that
7 year, the first was on a Thursday, and
8 there aren't but about two or three of us
9 in town that even work on Fridays. And
10 that Friday we didn't come in because it's
11 just a half day, and you know, after being
12 off, we didn't come in for a half day. We
13 just took one more day of vacation.

14 Q. No reason you couldn't have seen him on
15 the Monday the 5th, though, is there?

16 A. We might have been booked up and would not
17 have had an opening, and I don't know that
18 they would have been able to have brought
19 him.

20 Q. What do you mean wouldn't have been able
21 to have brought him?

22 A. Well, whether they've got a deputy
23 available to transport him.

1 Q. You indicated that you didn't give pain
2 medicine to prisoners after they had an
3 extraction.

4 A. Not routinely.

5 Q. Why is that?

6 A. That gets into issues down there with
7 people trying to get ahold of those,
8 inmates trying to get ahold of the
9 medication, and it's one of those thing
10 where the jailers have to keep up with it
11 and administer it, and we just sort of try
12 to stay away from that problem. Also if a
13 prisoner has had a problem with drug abuse
14 and I don't know it, we don't give him
15 something that's going to precipitate a
16 recurrence of that.

17 Q. Now, was this something that you had
18 worked out with the sheriff and that you
19 just didn't give pain medication to the
20 jail inmates?

21 A. Not on a routine basis. Now, if there is
22 a surgical extraction or they had an
23 abscess or something, we give it, but just

1 on a routine one, no.

2 Q. And that is something that you worked out
3 with the sheriff?

4 A. Right. We do that with the city jail,
5 same thing.

6 Q. Now, you said that Mr. Kelley was not
7 showing any signs of --

8 A. -- jaundice.

9 Q. -- jaundice?

10 A. Uh-huh (indicating yes).

11 Q. Your records don't reflect that, do they?

12 A. No. What we do is if we see something out
13 of the ordinary, we write it down and say
14 we have advised the patient or maybe a
15 family member or whatever, depending on
16 the patient, and we make a note that we
17 have advised them that they have this
18 problem. And additionally, if we had seen
19 that, we wouldn't have extracted two
20 teeth.

21 Q. You would have -- As I see it, between
22 Mr. Gray and Mr. Kelley you would have had
23 them about 20 minutes apiece; is that

1 right?

2 A. It could have been 20, 30. I don't know.

3 I know how much time is allotted. We
4 don't also use that much time. And they
5 could have -- They would have probably
6 been in an adjacent room. So while one
7 gets numb, pulled the tooth on the other
8 one and go back in the other room and get
9 the tooth out on the other one.

10 Q. How long does it take to extract two
11 teeth?

12 A. It can be as little as a few minutes. It
13 can take an hour if they break off and
14 don't cooperate.

15 Q. You don't know whether that was the case?

16 A. Oh, it wasn't, because we put down it was
17 extracted without difficulty.

18 Q. Now, you say you don't know who the deputy
19 was who brought him?

20 A. Have no idea. They may not have even come
21 back to the room. They may have just
22 stayed out in the waiting room.

23 Q. And looking on this medical information it

1 indicates that there's a physician's name.

2 Do you know who that --

3 A. Dr. Bill Friday, and he retired a little
4 over a year ago.

5 Q. Is he here in town?

6 A. He is.

7 Q. And did you understand that Dr. Friday was
8 currently taking care of Mr. Kelley?

9 A. Yes.

10 Q. For his broken back?

11 A. Broken back, yes.

12 Q. Do you know whether Mr. Kelley was
13 confused or disoriented at the time that
14 you met with him?

15 A. No.

16 Q. You don't know?

17 A. I don't know.

18 Q. Do you know that he had been seen just a
19 week before by Dr. James in Alex City?

20 A. No.

21 Q. Okay. And that at the time that Dr. James
22 had seen him at that time he had elevated
23 liver values?

1 A. No.

2 Q. You didn't find out what medication
3 Mr. Kelley was on?

4 A. He did not list any.

5 Q. Is there any place for him to?

6 A. Yes. "Is there any other information
7 about your health that we need to know?
8 If yes, what," and he left that blank.

9 MR. STOCKHAM: Okay. That's all that
10 I have.

11

12 EXAMINATION

13 BY MR. WILFORD:

14 Q. Dr. Currie, my name is Gary Wilford, and I
15 represent Sheriff Ricky Owens in this
16 case, and I have a few questions of you.

17 A. Okay.

18 Q. I think most of the rest of it has been
19 covered. First question I have to ask for
20 you is with respect to the inmates that
21 you see, do you exercise your independent
22 medical judgment in how you treat them?

23 A. Yes.

1 Q. So making decisions as to whether or not
2 you're going to prescribe pain medication,
3 that's your independent medical judgment,
4 correct?

5 A. That is my right.

6 Q. Okay. On that x-ray that we just looked
7 at a few minutes ago -- I know it's not in
8 the record -- is there any evidence of a
9 fracture? As you said, you look for
10 fractures.

11 A. Not on there, and it would -- The only
12 thing that would show on that would be a
13 fracture of a tooth. If had he fractured
14 his jaw or something like that, that would
15 not show on there.

16 Q. Okay. I'm specifically asking as far as a
17 tooth. Do you see a fractured tooth on
18 there?

19 A. No.

20 Q. I understand the jaw.

21 A. It was just decayed.

22 Q. And kind of a general question, do you
23 routinely perform extractions on confused

1 and disoriented patients?

2 A. No.

3 Q. You'd want to know why they were confused
4 and disoriented, right?

5 A. Correct.

6 Q. And there's no indication anywhere in your
7 records that Mr. Kelley was confused and
8 disoriented, right?

9 A. No.

10 MR. WILFORD: That's all the
11 questions I have, Dr. Currie.
12 Thank you.

13

14 EXAMINATION

15 BY MR. STOCKHAM:

16 Q. Doctor, whether or not Mr. Kelley was
17 confused, that would be something that you
18 would have to make a determination
19 about?

20 A. Correct.

21 Q. Okay. And if you only saw him for 10 or
22 20 minutes, you may or may not be able to
23 determine that?

1 A. Right. Because if he understands what I'm
2 telling him and is cooperative, I would
3 not classify him as being confused.

4 Q. Well, he is -- he comes in with a deputy
5 and another inmate --

6 A. Uh-huh (indicating yes).

7 Q. -- and is taken in and put in the chair,
8 as I understand it, and you go back and
9 forth between the two; is that correct?

10 A. Right.

11 Q. So most of that time he's in a chair?

12 A. Yeah.

13 Q. Do you have an assistant in the room with
14 him?

15 A. Yes, yes.

16 Q. So he's pretty much in a reclined position
17 with his mouth opened; is that right?

18 A. Right.

19 Q. Okay. So unless something --

20 A. Or at least it's open while I'm working on
21 him.

22 Q. Right. So unless there was something
23 particular that -- someone could be

1 confused and you wouldn't know it. Is
2 that right?

3 MR. WILFORD: Object to the form.

4 MS. MCDONALD: Same objection.

5 A. Well, from what I -- The behavior I
6 observed while I'm in there, there's no
7 sign of confusion, and unless an assistant
8 said something to me that said otherwise,
9 I would assume he's not confused.

10 Q. But that's just your assumption, though?

11 A. Right.

12 Q. And you don't have any particular
13 recollection of that particular incident
14 as we sit here today?

15 A. No.

16 Q. And that's true with all this. You don't
17 have any particular recollection of that
18 incident. It's just what your general
19 practice is; isn't that correct?

20 A. As far as being confused or disoriented?

21 Q. Right.

22 A. Correct.

23 Q. The extraction that you did on the other

REGIONAL REPORTING SERVICE, INC.

1 inmate, Mr. Gray, same deal? He had the
2 same?

3 MR. WILFORD: Object to the form.

4 MS. MCDONALD: I'll object.

5 MR. WILFORD: I'm not sure I
6 understand the question.

7 Q. I'll back up. Look at the billing record,
8 Doctor, if you will.

9 A. Okay. He had a tooth extracted.

10 Q. And apparently also had an x-ray. Is that
11 right?

12 A. Do what, now?

13 Q. Looking at the billing record, it reflects
14 that it had a --

15 A. I don't have the billing record.

16 THE WITNESS: Let me borrow yours.

17 MS. MCDONALD: I'm sorry. Okay.

18 Q. It indicates -- the top line,
19 instructions --

20 A. He had a film and an extraction.

21 Q. And so the time for Mr. Gray and the time
22 Mr. Bryan ought to be about the same?

23 MS. MCDONALD: Object to the form.

REGIONAL REPORTING SERVICE, INC.

1 A. Not necessarily.

2 Q. Okay.

3 A. Because he only had one tooth extracted
4 instead of two. So it may have been -- It
5 would have been quicker. It would have
6 been, because taking one out is quicker
7 than doing two.

8 Q. Okay. How much more time does it usually
9 take?

10 A. It varies. Like I say, I mean, I have had
11 teeth out of people before they knew they
12 had it out, and then somebody else is a
13 difficult extraction. I mean, it might
14 take an hour to get one out. It just
15 varies with the tooth.

16 Q. But sitting here today, you can't recall
17 how long it took to do Mr. Kelley's teeth?

18 A. No. All I know is I made a note that it
19 was without difficulty. So that means it
20 was routine, no problems, nothing broke,
21 didn't have to cut anything out. We just
22 took them out routinely.

23 MR. STOCKHAM: Thank you very much.

1 THE WITNESS: Okay.

2 MR. STOCKHAM: That's it.

3 MR. WILFORD: I think that's it.

4 MS. MCDONALD: I don't have anything.

5 That's it. Thank you,

6 Dr. Currie.

7 THE WITNESS: You are welcome.

8

9 (AND FURTHER DEPONENT SAITH NOT)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

REGIONAL REPORTING SERVICE, INC.

1 I do hereby certify that the witness whose
2 attached deposition was taken before me was by
3 me first duly cautioned and sworn to tell the
4 truth in the cause aforesaid; that the
5 testimony contained herein was by me reduced to
6 writing in the presence of said witnesses by
7 means of stenography and afterwards transcribed
8 by means of computer-aided transcription. The
9 foregoing is a true and accurate transcript of
10 the whole of the testimony given by said
11 witness, as aforesaid.

12 I do further certify that I am not
13 connected by blood or marriage with any of the
14 parties or their attorneys or agents and that I
15 am not an employee of any of them, nor
16 interested in the matter of controversy.

17 IN WITNESS WHEREOF, I have hereunto set my
18 hand and affixed my notarial seal at Gadsden,
19 Alabama, County of Etowah, this 14th day of
20 January 2008.

21 -----
22 Angela D. Richey, ACCR #281
23 Certified Court Reporter
Notary Public Alabama-at-Large
My Commission expires: 05/04/10

DEFENDANT'S EXHIBIT

Office Phone: 256-245-6039

Commisson Coosa
Law Enforcement Center
P.O. Box 10
Rockford, AL 35136

Account history for 03-22-04 to 03-22-04, printed on 08-01-07
(this is not a statement)

Date	Patient	Description	Amount	Balance
03-22-04	Account	Balance as of 03-22-04	100.00	100.00
03-22-04		Check pmt: thank you! (13038)	-128.00	100.00
		Ending balance		100.00

Patient	Charges	Ins Pmts	Patient Pmts	Net Adj
Account	0.00	0.00	128.00	0.00
Totals	0.00	0.00	128.00	0.00

Current Dental Terminology (CDT) © American Dental Association (ADA). All rights reserved.

Date Jan 14 103 Patient's Name Donald James Kelly
Address (Street or Box) 401 Pineview Ln
(City) Sylva (State) NC (Zip) 3756
Home Phone (256) 249-5672 Date of Birth 06 1 17 177 Sex: M FL
Social Security Number 420-25-6520 Medicaid Number _____

RESPONSIBLE PARTY INFORMATION

Name Robert Lee Art. Greenleaf, Jr Marital Status: S 6 M W
Residence Address (Street or Box) _____
(City) Pittsburg (State) NC (Zip) 28550
Home Phone () _____ Work Phone () _____ Ext. _____
Social Security Number _____ Date of Birth 1 / 1 / 1
Patient's Relation to you: Self _____ Spouse _____ Child _____ Other _____
Spouse's Name _____ Date of Birth 1 / 1 / 1
Social Security Number _____ Work Phone () _____

INSURANCE INFORMATION

Insured's Name _____ Contract Number _____
Insured's Address (If different from responsible party):
(Street or Box) _____ (City) _____ (State) _____ (Zip) _____
Patient's Relation to you: Self _____ Spouse _____ Child _____ Other _____
Insured's Employer _____
Employer's Address _____
Insurance Company _____ Group # _____
Insurance Company Address _____
Insurance Company Phone Number () _____
Do you have other dental insurance coverage? Yes _____ No _____ If yes, please fill in the following secondary insurance information
Insured's Name _____ Contract Number _____
Patient's Relation to you: Self _____ Spouse _____ Child _____ Other _____
Employer and Employer's Address _____
Insurance Company _____ Group # _____
Insurance Company Address _____
Insurance Company Phone Number () _____

Do you have or have you ever had:

	Yes	No		Yes	No
Anemia (low blood)	_____	_____	Diabetes	_____	<input checked="" type="checkbox"/>
Allergies	_____	<input checked="" type="checkbox"/>	Abnormal bleeding	_____	<input checked="" type="checkbox"/>
to penicillin	_____	<input checked="" type="checkbox"/>	Heart attack	_____	<input checked="" type="checkbox"/>
to anesthetic	_____	<input checked="" type="checkbox"/>	Stroke	_____	<input checked="" type="checkbox"/>
Artificial heart valve	_____	<input checked="" type="checkbox"/>	Artificial joint	_____	<input checked="" type="checkbox"/>
Mitral valve prolapse	_____	<input checked="" type="checkbox"/>	Rheumatic fever	_____	<input checked="" type="checkbox"/>
Hepatitis	_____	<input checked="" type="checkbox"/>	Cancer	_____	<input checked="" type="checkbox"/>
Tuberculosis (TB)	_____	<input checked="" type="checkbox"/>	Thyroid problems	_____	<input checked="" type="checkbox"/>
High blood pressure	_____	<input checked="" type="checkbox"/>	Epilepsy/seizures	_____	<input checked="" type="checkbox"/>

Is there any other information about your health that we need to know?

If yes, what? _____

Are you under a physician's care? If yes, why? Yes Dr. Scott 64 65 51Name of physician Dr. Frank

Phone # _____

OR WOMEN ONLY:

Are you pregnant? Yes _____ (what month) _____ No _____

Are you nursing? Yes _____ No _____ Are you taking birth control pills? Yes _____ No _____

FINANCIAL POLICY

We request that you pay for your treatment on the day service is provided, or at least pay the portion not paid by dental insurance. ALL EMERGENCY TREATMENT IS ON A CASH/CHECK BASIS. We can file your insurance to reimburse you for emergency treatment. We are happy to assist you with your dental insurance if you will bring your insurance card and sign a form for us. We usually accept assignment of benefits. However, you are responsible for your account. Most dental plans pay for only a portion of the treatment and plans vary according to your contract.

On open accounts, if payment is not received within 90 days, the account will be turned over for collection. The responsible party will be liable for any collection fees, court costs, or legal fees involved. There will be a \$20.00 charge for any returned check.

I understand the above information and hereby consent for David P. Currie, D.M.D. and his staff to provide dental treatment.

Kim B. Currie
(signature of patient or responsible party)